

REMARKS

Claims 1-30 and new claims 31-38 are present in the application. Claims 6, 7 and 27 have been amended to clarify the subject matter. New dependent claims 31-38 have been added to clarify that the member or handle is “user accessible.”

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35 USC 112 Rejections

Claims 6 and 27 have been rejected for failing to particularly point out the claimed subject matter.

10 In response, Applicants have removed the term “standard” from claims 6 and 27 and added the term “electrical wiring components” to clarify the subject matter. No new matter has been added.

Claim 7 has been rejected for lacking antecedent basis.

In response, Applicants have amended claim 7 to clarify that a lug is disposed on “a housing” and that it is used for “housing the device.”

15 In view of the above amendments and comments, Applicants respectfully request withdrawal of the rejections.

35 USC 102 Rejections

20 Claims 1-7 and 10-28 have been rejected under 35 USC 102(b) as being anticipated by Wulle [US Patent Number 1,818,290]. According to the Examiner, Wulle discloses the claimed invention:

“Wulle discloses a device comprising ... a member D coupled to the device having a first position [Figure 3, switch is OFF] which allows the plug C5 to be inserted into receptacle [C] and a second position [Figure 4, switch is ON] which prevents the plug from being inserted into receptacle ...

25 Applicants respectfully traverse the Examiner’s reading of Wulle. The office action equates element D in Wulle to “member” as recited in claim 1 of the present invention. This is incorrect. Rather, FIGS. 3 and 4 of Wulle clearly show that element D is a “latch housing”

mounted on Socket C and interposed between it and the main switch housing. (See page 1, lines 81-83 of Wulle) In contrast, referring to the current application, in one embodiment, FIG. 4 shows a device 10 having a member, such as lever handle 26, having a first position which allows a plug 36 to be inserted into a receptacle 23 and a second position which prevents the plug
5 36 from being inserted into the receptacle 23. In other words, element D of Wulle is a **housing** which is clearly **not** the same as a **member** that can have **two** positions as recited in the claimed invention. Moreover, element D is **not** capable of having **two** positions because it is **fixed** as explained above. Thus, claim 1 is not anticipated by Wulle for at least these reasons.

Independent claims 17, 18, 20, 21, 24, 25 and 26 recite a similar feature as claim 1.

10 Applicants respectfully assert that claim 1 is not anticipated by Wulle for the reasons provided above. Thus, claims 17, 18, 20, 21, 24, 25 and 26 and respective dependent claims should be allowable for at least the same reasons as claim 1.

In view of the above amendments and comments, Applicants respectfully request withdrawal of the rejection and allowance of the application.

35 USC 103 Rejections

Claims 8, 9, 29 and 30 have been rejected under 35 USC 103(a) as being unpatentable over Wulle in view of Klimek [US Patent Number 3,887,256].

Applicants believe that independent claim 1 is not anticipated by Wulle for the reasons
20 given above. Applicants respectfully assert that the subject matter of dependent claims 8 and 9 is not taught or suggested by Wulle, alone or in combination with Klimek, at least by virtue of their dependence on independent claim 1.

Likewise, it is believed that Wulle does not teach or suggest independent claim 26 for at least the same reasons given above with respect to claim 1. Applicants respectfully assert that
25 the subject matter of claims 29 and 30 is not taught or suggested by Wulle, alone or in combination with Klimek, at least by virtue of their dependence on independent claim 26.

New Claims

New dependent claims 31-38 have been added to clarify that the member or handle is “user accessible.” Support for this feature can be found, for example, in FIG. 4 which shows a device 10 having a member, such as lever handle 26 which is external or user accessible.

5 As explained above, none of the cited references, alone or in combination, teach or suggest a “member” as recited in independent claims 1, 17, 20, 21, 24 and 26. Thus, respective dependent claims 31, 32, 34, 35, 36 and 38 are believed to be in a condition for allowance by virtue of their dependence on independent claims 1, 17, 20, 21, 24 and 26 respectively.

10 Likewise, none of the cited references, alone or in combination, teach or suggest a “handle” as recited in independent claims 18 and 25. Thus, respective dependent claims 33 and 37 are believed to be in a condition for allowance by virtue of their dependence on independent claims 18 and 25 respectively.

Conclusion

15 In view of the above amendments and comments, Applicants respectfully request withdrawal of the rejection and objections and allowance of the application.

Request for Reconsideration pursuant to 37 CFR 1.111

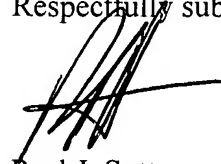
20 Having responded to each and every ground for objection and rejection in the Office Action mailed on April 9, 2004, Applicants respectfully request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-38. If there is any point requiring further attention, the Examiner is asked to contact Applicants’ counsel who can be reached at the telephone number listed below.

25 The commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Leviton Manufacturing Co., Inc. Deposit Account No. 12-1185.

In the event that an extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to

make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for the extension of time to deposit Account No. 12-1185.

Respectfully submitted,



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